

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/19/08

CAROL ALT,

Plaintiff,

-against-

RONALD GRESCHNER,

Defendant.

07 Civ. 6004 (CM) (DF)

**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

By letter to the Court, Plaintiff has requested that this Court hold a conference “for the purpose of setting forth a limited discovery schedule,” as Plaintiff “intends on conducting third party discovery and serving notice to take Defendant’s deposition.” (Letter to the Court from Richard A. Roth, Esq., dated Aug. 6, 2008.) Defendant has responded with a letter stating that any further discovery demands by Plaintiff should be denied, “as the issue of any further discovery has been wholly resolved by the prior orders of both this Court and Judge McMahon.” (Letter to the Court from Nancy Ledy Gurren, Esq., dated Aug. 7, 2008.) Defendant further requests that this case “be referred back to Judge McMahon for trial.” (*Id.*)

This Court has reviewed the history of this case and notes that, fully 10 months ago, Judge McMahon had ruled that, no later than October 23, 2007, Defendant was to turn over to Plaintiff “every single piece of paper relating to the investment that is the subject of this litigation,” and, on the understanding that such production would be timely made, had set this case down for a November 2007 trial. (Order, dated Oct. 19, 2007 (Dkt. 18), at 1.) In the same Order, the Court had ruled that

[t]he parties' proposed case management order is rejected. There is nothing to be gained from discovery in this action; either [Plaintiff] has an interest in the investment pursuant to her divorce decree or she does not. At the initial conference, the parties seemed to agree that a few documents would answer the question.

(*Id.*)

Unfortunately, after October 23, 2007, Plaintiff continued to maintain that a full production of relevant documents had not been made by Defendant. Judge McMahon adjourned the trial date, and repeatedly directed that all relevant documents, including tax returns, be produced, so that the case could be made ready for trial. (*See, e.g.*, Minute Entry for proceedings held before the Court on November 7, 2007 (noting that: "Trial that was scheduled for 11/14/07 had been adjourned until a later date, to be determined. Defendant must provide [plaintiff] and the court wi[th] all documents necessary to trace the transaction at issue, by 11/21/07."); *see also* Order dated Jan. 2, 2008 (noting again that "the issues raised by the complaint are clearly issues that can – and should – be resolved on the basis of a documentary record," and stating, "Please let me know when the tax returns have been located.").)

Finally, Judge McMahon referred the parties' continuing dispute concerning the production of Defendant's personal tax returns to me for resolution. (*See* Dkt. 34.) Since that referral, this Court has reviewed all of Defendant's available personal tax returns *in camera* and has made several rulings regarding the necessary scope of Defendant's document production. (*See* Dkts. 35-40.) This Court now considers such issues to be fully resolved. From the information that has been placed before the Court by the parties, it does not appear that there are any remaining documents in Defendant's possession, custody or control that even potentially relate to the transaction at issue in this case.

As it appears from the record that Judge McMahon has already ruled that, as a matter of case management, no further discovery should be needed to secure the just, speedy, and inexpensive determination of this action (*see* Orders cited *supra*; *see also* Fed. R. Civ. P. 1), Plaintiff's request for a further discovery conference is denied. The parties are directed to follow Judge McMahon's Individual Practices with respect to obtaining a new trial date.

Dated: New York, New York  
August 19, 2008

SO ORDERED

  
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DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

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